



DOCKET NO.: 266734US0PCT

**MAIL STOP PCT** *pct*  
**JC10 Rec'd PCT/PTO 29 JUL 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Shinichi MIYAMOTO et al.

SERIAL NUMBER: 10/526,020 ✓

FILED: February 25, 2005

FOR: NICKEL BASED ON COMPOUND POSITIVE ELECTRODE MATERIAL PRIMARY CELL

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313

SIR:

Responsive to the notification dated July 14, 2005, and in accordance with the provisions of 35 U.S.C. 371, Applicants are submitting herewith a copy of the declaration of inventorship under Rule 4.17(iv) as well as a copy of the front page of the corresponding PCT publication evidencing such submission.

The required surcharge is therefore not due.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our check in the amount of \$-0.00- is attached hereto. If any variance exists between the amount enclosed and the required Government fee, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,020	Shinichi Miyamoto	266734USOPCT

INTERNATIONAL APPLICATION NO.
PCT/JP03/11073

IA. FILING DATE	PRIORITY DATE
08/29/2003	08/30/2002

22850  
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CONFIRMATION NO. 4622

371 FORMALITIES LETTER



\*OC000000016518531\*

ET

Date Mailed: 07/14/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/25/2005
- English Translation of the IA filed on 02/25/2005
- Copy of the International Search Report filed on 02/25/2005
- Information Disclosure Statements filed on 02/25/2005
- Request for Immediate Examination filed on 02/25/2005
- U.S. Basic National Fees filed on 02/25/2005
- Priority Documents filed on 02/25/2005

RECEIVED: 7/15/05  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.

DOCKETING DEPT.

Initials/Date Docketed: MA 7/15/05  
Type of Resp(s): Response to Notice of Surcharge  
Due Date(s): 9-14-04

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,020	PCT/JP03/11073	266734US0PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)